

Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON – TACOMA**

LEONARD PELTIER, CHAUNCEY
PELTIER,

Plaintiffs,

vs.

JOEL SACKS, individually and in his capacity
as DIRECTOR OF the WASHINGTON
STATE DEPARTMENT OF LABOR AND
INDUSTRIES; TIMOTHY CHURCH,
individually and in his capacity as PUBLIC
AFFAIRS MANAGER of the WASHINGTON
STATE DEPARTMENT OF LABOR AND
INDUSTRIES; JAY INSLEE, individually and
in his capacity as GOVERNOR OF THE
STATE OF WASHINGTON; EDWARD P.
WOODS; LARRY LANGBERG; DOES 1-
200,

Defendants.

Case No. 3:17-cv-05209-RBL

**DECLARATION OF KYLE RILEY IN
SUPPORT OF LARRY LANGBERG'S
MOTION FOR ATTORNEY FEES**

NOTE ON MOTION CALENDAR:
August 11, 2017

I, Kyle D. Riley, declare as follows:

1. I am lead counsel for Defendant Larry Langberg in this matter and set forth this
declaration based on my own personal knowledge.

2. This SLAPP lawsuit was filed against Mr. Langberg in his personal capacity,
requiring him to retain counsel to defend the suit. The law office of Smith Freed Eberhard, P.C.
was retained in this matter in May 2017 to defend Larry Langberg.

DECLARATION OF KYLE RILEY - 1 of 3

Case No. 3:17-cv-05209-RBL

198i42
SMITH FREED EBERHARD P.C.
705 Second Avenue, Suite 1700
Seattle, Washington 98104
Telephone: (206) 576-7575
Facsimile: (206) 576-7580

1 3. On May 16, 2017, Joan Mell (Counsel for Mr. Woods) and I had a telephone
2 conference with Mr. Hildes, counsel for the Plaintiffs. Ms. Mell alerted Mr. Hildes to our meritorious
3 defenses and our intention to file a motion under RCW 4.24.510. Mr. Hildes contended that the
4 statute was unconstitutional per *Davis v. Cox*. Ms. Mell correctly pointed out during the telephone
5 conversation that *Davis v. Cox* only applied to RCW 4.24.525 and did not affect the immunity and
6 process set forth by RCW 4.24.510. Mr. Hildes indicated that he was not willing at that time to
7 dismiss the case.

8 4. Attached to this declaration as **Exhibit A** is a true and correct copy of the Client
9 Detailed Time and Expense Report.

10 5. The Expense Report shows that the total amount of the attorney and paralegal fees
11 accumulated in this case were \$13,711.50. The total costs and fees as of August 1, 2017, were
12 \$13,711.50, not including the fees incurred with the preparation of the instant Petition. I have
13 reviewed the report and it appears accurate and complete. Our firm uses a timekeeping software that
14 allows us to enter our time contemporaneously. We enter our time and bill in 6 minute increments.
15 After reviewing the Report I have withdrawn Michelle Sullivan's expenses, 2.3 hours of Jeremy
16 Rogers time, and 2.7 hours of my own time. In doing so, I made efforts to remove billable time
17 concerning work that may have not been directly related to the litigation at issue. These reductions
18 reduce the past costs to \$12,726.00. In addition, I believe that conservatively we will incur an
19 additional \$750 in fees towards the subject motion and Mr. Langberg requests a total of \$13,476.00.

20 5. A variety of people in the firm worked on this case. Jeremy Rogers was the Senior
21 Counsel assigned to this matter. Ms. Michelle Sullivan was the Paralegal assigned to the case. Jeffrey
22 D. Eberhard, a Partner at Smith Freed Eberhard, initially spoke to the client's representatives to assess
23 the case and initial strategy.

1 6. The hourly rate for a Partner or Senior Counsel assigned to this matter is \$180. This
2 rate is imminently reasonable and well below market value.

3 7. I am a 2002 graduate of the Northwestern School of Law at Lewis & Clark College
4 and was one of the editors for their law review *Environmental Law*. I have been a member of the
5 Washington State Bar Association since 2007 and the Oregon State Bar since 2002. I have always
6 been a member of these bar associations in good standing. I have been a partner at Smith Freed
7 Eberhard P.C. since 2008, and as partner I handle and manage litigation involving more complex and
8 non-routine cases.
9

10 8. In 2004, Mr. Rogers served as a judicial law clerk to Chief Justice Gerry Alexander
11 of the Washington Supreme Court. He has been licensed to practice in Washington since 2005
12 and licensed to practice in Oregon since 2016. Mr. Rogers has continuously been a member in
13 good standing of both the Washington State Bar Association and the Oregon Bar Association.

14 9. Mr. Rogers has significant federal court experience and has been admitted to
15 practice before the Western District of Washington (since 2005), the Eastern District of
16 Washington (since 2010), the Ninth Circuit Court of Appeals (since 2013), and the U.S. District
17 Court of Oregon (since 2016). As you can see from Exhibit A, Mr. Rogers prepared most of the
18 motion and reply that was filed on behalf of Mr. Langberg and Mr. Woods.
19

20 10. Mr. Rogers currently serves on the Local Rules Committee of the Western
21 District of Washington, Federal Bar Association and as a member of the WSBA Character and
22 Fitness Board. Additionally, he serves as an arbitrator for the King and Pierce County
23 Mandatory Arbitration Departments and as a Judge Pro Tem for the Snohomish County District
24 Court.
25

26 11. Prior to his clerkship and legal practice, Mr. Rogers graduated (in 2004) from the

1 Washington University in St. Louis School of Law, where he served as an editor for the
2 Washington University Law Review.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is true
4 and correct to the best of my knowledge.

5 DATED this 3rd day of August 2017.
6

7 /s/ Kyle D. Riley
8 Kyle D. Riley, WSBA No. 38078
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**Exhibit A to Declaration of Kyle Riley in Support
of Larry Langberg's Motion for Attorney Fees**

3:16-cv-05209-RBL

Client Detailed Time And Expense Report

Report: TIME12
Req'd By: JenniferJ

Date Range (Time): Beginning of Time to 7/25/2017 (Disb): Beginning of Time to 7/25/2017

Currency: USD

Client: 198I	ncinnati Insurance Company	Bill Tkpr: KDR	Riley, Kyle D.	Client Last Payment: 7/25/2017
Matter: 198I42	Leonard Peltier, et. al. vs. Joel Sacks,	Resp Tkpr: JHR	Rogers, Jeremy H.	Matter Last Billed: 7/20/2017

Detailed Time Section (Matter)

Tkpr	Date	Hours	Amount	Rate	Status	Description of Services Rendered	Time ID
JDE	5/2/2017	0.50	\$90.00	180.00	B	Analysis of Complaint in new assignment representing a former FBI agent-Larry Langberg - determine issues alleged and how best to proceed.	2763177
JDE	5/2/2017	0.20	\$36.00	180.00	B	Telephone conference with attorney Victor Peters to obtain background on case.	2763203
JDE	5/2/2017	0.40	\$72.00	180.00	B	Investigate background of Plaintiff's attorney Lawrence Hides to obtain his background.	2763205
JDE	5/2/2017	0.10	\$18.00	180.00	B	Correspondence to Victor Peters accepting assignment	2763219
JHR	5/4/2017	0.20	\$36.00	180.00	B	Analyze Washington case law regarding constitutionality of anti-slam claims.	2768847
JHR	5/4/2017	0.50	\$90.00	180.00	B	Analyze early resolution strategy and potential Rule 12 motions to dismiss.	2768851
JHR	5/4/2017	0.10	\$18.00	180.00	B	Draft e-mail to client Nancy Savage regarding initial client conference and related handling issues.	2768852
JHR	5/5/2017	0.40	\$72.00	180.00	B	Review and analyze plaintiffs' Complaint for purposes and preparing defense strategy and early dismissal motion.	2768881
JHR	5/5/2017	1.20	\$216.00	180.00	B	Begin surveying 64 other prior lawsuits involving / concerning plaintiff for purposes of incorporating same into dismissal motion.	2768884
JHR	5/5/2017	0.80	\$144.00	180.00	B	Analyze case law and secondary authorities related to waiver of service for purposes of explaining to client (Mr. Langberg) benefits and costs of waiving service.	2768885
JHR	5/5/2017	0.90	\$162.00	180.00	B	Begin analyzing content of co-defendant Ed Wood's Blog regarding imprisonment and other issues related to plaintiff for purposes of factual background.	2768886
JHR	5/5/2017	0.10	\$18.00	180.00	B	Review e-mail from client's personal counsel David Ermer regarding clarification of client representation issue.	2768898
JHR	5/5/2017	0.10	\$18.00	180.00	B		2768901
JHR	5/5/2017	0.60	\$108.00	180.00	B	Draft detailed letter to client (Mr. Langberg) regarding analysis and benefits of waiver of service and consequences of failure to waive service.	2768902
JHR	5/6/2017	0.20	\$36.00	180.00	B	Analyze letters from client Mr. Langberg to Washington's Department of Labor & Industries for purposes of evaluating plaintiff's defamation / libel claims.	2768907
JHR	5/6/2017	0.10	\$18.00	180.00	B	Review correspondence from client Ms. Savage regarding Mr. Langberg's upcoming decision relating to waiver of service.	2768908
JHR	5/6/2017	0.10	\$18.00	180.00	B	Review correspondence from John Nordin regarding status of representation of Ed Woods.	2768909
JHR	5/8/2017	0.20	\$36.00	180.00	B		2768927
JHR	5/8/2017	0.70	\$126.00	180.00	B	Telephone conference with former U.S. Attorney John Nordin regarding claims against client Mr. Langberg, potential joint representation, waiver issues, additional background information, and defense strategy.	2768928
JHR	5/12/2017	0.30	\$54.00	180.00	B	Telephone conference with client Larry Langberg regarding waiver of service issues and additional Umbrella Insurance with USAA.	2770169
JHR	5/12/2017	0.50	\$90.00	180.00	B	Review multiple e-mails (x4) from client Mr. Langberg regarding waiver of service, pleading and lawsuit history of plaintiff, and article related to plaintiff's criminal history.	2770254
JHR	5/15/2017	0.10	\$18.00	180.00	B		2770333
JHR	5/15/2017	0.30	\$54.00	180.00	B	Telephone conference with adjuster (Mr. Peters) and Mr. Riley regarding status conference, legal strategy, and handling instructions regarding dismissal motion and representation of Mr. Woods.	2770335
JHR	5/15/2017	0.20	\$36.00	180.00	B	Prepare for telephone conference with adjuster and review key file materials for same.	2770337
JHR	5/15/2017	0.20	\$36.00	180.00	B	Draft Notice of Appearance on behalf of clients.	2770355
JHR	5/15/2017	0.10	\$18.00	180.00	B	Draft Notice of Appearance for Mr. Riley.	2770357

3:24 PM

Client Detailed Time And Expense Report

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Currency: USD

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Matter: 198I42	Leonard Peltier, et. al. vs. Joel Sacks,	Resp Tkpr: JHR	Rogers, Jeremy H.	Matter Last Billed: 7/20/2017

Detailed Time Section (Matter)

Tkpr	Date	Hours	Amount	Rate	Status	Description of Services Rendered	Time ID
JHR	5/15/2017	0.30	\$54.00	180.00	B	Finalize and complete client Mr. Langberg's Waiver of Service of Summons.	2770378
JHR	5/15/2017	0.20	\$36.00	180.00	B		2770395
JHR	5/15/2017	1.10	\$198.00	180.00	B	Begin analyzing Washington case law and statutes regarding legal issues upon which to prepare motion to dismiss plaintiff's claims against client.	2770399
JHR	5/15/2017	0.40	\$72.00	180.00	B	Contemplate and prepare defense strategies regarding Anti-Slapp statute or lack of merit motion to dismiss pleading.	2770417
JHR	5/16/2017	0.10	\$18.00	180.00	B	Review e-mail from personal counsel (Mr. Ermer) regarding blog of Ed Woods.	2770460
JHR	5/16/2017	0.10	\$18.00	180.00	B		2770465
JHR	5/16/2017	0.10	\$18.00	180.00	B	Review Notice of Appearance of Joan Mell on behalf of co-defendant Ed Woods.	2770483
JHR	5/16/2017	0.10	\$18.00	180.00	B	Review co-defendant Ed Woods' Waiver of Service of Summons.	2770484
JHR	5/16/2017	0.20	\$36.00	180.00	B	Review e-mails from clients Nancy Savage and Mr. Langberg regarding approval of defense strategy to dismiss and motion practice.	2770485
JHR	5/17/2017	0.10	\$18.00	180.00	B		2770798
JHR	5/23/2017	0.20	\$36.00	180.00	B	Exchange multiple e-mails (x3) with counsel for co-defendant (Ms. Mell) regarding joint defense strategy for Anti-SLAPP motion.	2771054
JHR	5/23/2017	0.10	\$18.00	180.00	B	Review e-mail from client Mr. Langberg regarding additional information related to USAA umbrella insurance.	2771060
JHR	5/23/2017	0.30	\$54.00	180.00	B	Telephone conference with USAA adjuster of client Mr. Langberg's umbrella policy and discuss factual background, procedural history, and defense strategy.	2771090
JHR	6/1/2017	0.10	\$18.00	180.00	B	Review e-mail from client Mr. Langberg regarding in-person meeting and conference.	2776525
JHR	6/5/2017	3.20	\$576.00	180.00	B	Analyze Washington and federal case law regarding procedural issues related to motion to strike complaint based on anti-SLAPP statute, and constitutional issues related to RCW 4.24.525 and .510, for purposes of preparing dispositive motion.	2789207
JHR	6/5/2017	1.10	\$198.00	180.00	B	Analyze Washington case law regarding defamation based claims and application of RCW 4.24.510 immunity for purposes of preparing legal analysis in dispositive motion.	2789219
JHR	6/6/2017	4.80	\$864.00	180.00	B	Prepare and begin writing Rule 12(b)(6) Motion to Dismiss All Claims Against Larry Langberg (8-pages).	2789235
JHR	6/6/2017	2.30	\$414.00	180.00	B	Meet in-person with client Mr. Langberg and Mr. Riley to discuss factual background, legal strategies, Motion to Dismiss, and other related handling instructions.	2789238
JHR	6/6/2017	1.40	\$252.00	180.00	B	Pursuant to client Mr. Langberg's request, prepare revisions to Motion to Dismiss incorporating and clarifying additional facts to motion.	2789246
JHR	6/6/2017	0.10	\$18.00	180.00	B	Prepare and write correspondence to attorney Ms. Mell (counsel for co-defendant Ed Woods) regarding Motion to Dismiss Langberg, and joint strategy issues.	2789248
JHR	6/6/2017	0.20	\$36.00	180.00	B	Prepare and write status update to clients Mr. Langberg and Ms. Savage regarding post in-person meeting issues, revisions to motion, and umbrella coverage with USAA.	2789261
JHR	6/6/2017	0.20	\$36.00	180.00	B	Review multiple e-mails from client Ms. Savage and in-house counsel Mr. Ermer regarding approval of motion to dismiss and related issues.	2789268
JHR	6/7/2017	0.40	\$72.00	180.00	B	Prepare and write Exhibit A in support of Motion to Dismiss.	2789345
JHR	6/7/2017	0.20	\$36.00	180.00	B	Telephone conference with co-defendant's counsel (Ms. Mell) regarding Joint Motion to Dismiss and related legal strategies.	2789393

Client Detailed Time And Expense Report

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Client: 1981	ncinnati Insurance Company	Bill Tkpr: KDR	Riley, Kyle D.	Client Last Payment: 7/25/2017
Matter: 198142	Leonard Peltier, et. al. vs. Joel Sacks,	Resp Tkpr: JHR	Rogers, Jeremy H.	Matter Last Billed: 7/20/2017

Detailed Time Section (Matter)

Tkpr	Date	Hours	Amount	Rate	Status	Description of Services Rendered	Time ID
JHR	6/7/2017	0.20	\$36.00	180.00	B	Review e-mails from Ms. Savage and Mr. Ermer approving request for co-defendant Ed Woods to joint Motion to Dismiss and to modify same.	2789461
JHR	6/8/2017	1.80	\$324.00	180.00	B	Revise motion to dismiss and change to Joint Motion to Dismiss Claims against Langberg and Woods, incorporating factual and legal arguments related to co-defendant Mr. Woods (13-pages total).	2789525
JHR	6/8/2017	0.10	\$18.00	180.00	B	Prepare and write e-mail to Ms. Mell regarding approval and input regarding Joint Motion to Dismiss.	2789532
JHR	6/8/2017	0.10	\$18.00	180.00	B	Prepare and write e-mail to clients regarding approval and input on Joint Motion to Dismiss.	2789536
JHR	6/8/2017	0.90	\$162.00	180.00	B	Revise and final Joint Motion to Dismiss, incorporating revisions from clients and Ms. Mell, and incorporating Appendices.	2789543
JHR	6/8/2017	0.60	\$108.00	180.00	B	Review and exchange multiple e-mails (x5) with in-house counsel (Mr. Ermer) regarding Joint Motion to Dismiss, court's deliberative process, timeline for determination, potential stay of proceedings, and related strategy issues.	2789555
JHR	6/13/2017	0.50	\$90.00	180.00	B	Analyze federal court local rules and case law regarding errata, document corrections for purposes of correcting appendix item.	2789869
JHR	6/13/2017	0.20	\$36.00	180.00	B	Prepare Appendix B: Errata, and provide correction of document in support of Joint Motion to Dismiss.	2789870
JHR	6/14/2017	0.40	\$72.00	180.00	B	Prepare and write proposed order granting Stipulated Motion to Stay Proceedings.	2790273
JHR	6/14/2017	2.10	\$378.00	180.00	B	Prepare and write Stipulated Motion to Stay Proceedings Pending Ruling on Dispositive Motion.	2790276
JHR	6/14/2017	0.30	\$54.00	180.00	B	Telephone conference with attorney Peter Helmberger (counsel for State Defendants) and Mr. Riley regarding Motion to Stay Proceedings and related defense strategy.	2790281
JHR	6/14/2017	0.40	\$72.00	180.00	B	Prepare and write Initial Litigation Budget.	2790283
JHR	6/14/2017	0.20	\$36.00	180.00	B	Review multiple e-mails from plaintiffs' counsel regarding approval of Motion to Stay, request to withdraw fee request, and related issues.	2790324
JHR	6/15/2017	0.20	\$36.00	180.00	B	Revise Joint Motion to Stay Proceedings to incorporating additional procedural information.	2790397
JHR	6/15/2017	0.10	\$18.00	180.00	B		2790410
JHR	6/16/2017	0.20	\$36.00	180.00	B	Review and analyze Washington State Defendants' Answer to plaintiffs' Complaint.	2790428
JHR	6/16/2017	0.20	\$36.00	180.00	B	Telephone conference with co-defendant Woods' attorney (Ms. Mell) regarding Joint Motion to Stay and approval of same.	2790431
JHR	6/16/2017	0.20	\$36.00	180.00	B	Finalize and finish preparing Joint Motion to Stay Proceedings Pending Ruling on Dispositive Motion, incorporating Ms. Mell's revisions.	2790433
JHR	6/20/2017	0.10	\$18.00	180.00	B		2790556
JHR	6/20/2017	0.10	\$18.00	180.00	B	Review e-mail from judicial assistant Debbie Nelson regarding request related to proposed order on Motion to Stay Proceedings, and respond to same.	2790557
JHR	6/20/2017	0.30	\$54.00	180.00	B		2790562
JHR	6/20/2017	0.30	\$54.00	180.00	B		2790564
JHR	6/20/2017	0.10	\$18.00	180.00	B	Review Court Order granting Motion to Stay Proceedings Pending Ruling on Dispositive Motion.	2790565
JHR	6/21/2017	0.40	\$72.00	180.00	B		2790574

Client Detailed Time And Expense Report

Report: TIME12

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Matter: 198142	Leonard Peltier, et. al. vs. Joel Sacks,	Resp Tkpr: JHR	Rogers, Jeremy H.	Matter Last Billed: 7/20/2017

Detailed Time Section (Matter)

Tkpr	Date	Hours	Amount	Rate	Status	Description of Services Rendered	Time ID
JHR	6/21/2017	0.30	\$54.00	180.00	B		2790575
JHR	6/21/2017	0.10	\$18.00	180.00	B	Review Court Order striking current case deadlines pending decision on Joint Motion to Dismiss.	2790577
JHR	6/26/2017	0.80	\$144.00	180.00	B	Analyze plaintiff's (23-page) Opposition to Joint Motion to Dismiss.	2790954
JHR	6/26/2017	1.20	\$216.00	180.00	B	Analyze plaintiff counsel's declaration and 11 exhibits used in support of Opposition to Joint Motion to Dismiss.	2790955
JHR	6/26/2017	0.10	\$18.00	180.00	B	Prepare and write e-mail to counsel for co-defendant (Ms. Mell) regarding strategy for Reply Brief in support of Joint Motion.	2790956
JHR	6/26/2017	0.20	\$36.00	180.00	B	Contemplate initial strategy for reply to plaintiff's Opposition to Joint Motion to Dismiss.	2790957
JHR	6/26/2017	0.20	\$36.00	180.00	B	Review multiple e-mails (x4) from personal counsel (Mr. Ermer) regarding thoughts and strategy related to reply to plaintiff's opposition.	2790958
JHR	6/27/2017	0.20	\$36.00	180.00	B	Continue analyzing strategy for Reply Brief and write correspondence to co-defendant's counsel (Ms. Mell) regarding same.	2790987
JHR	6/27/2017	0.10	\$18.00	180.00	B	Review e-mail from counsel (Ms. Mell) regarding input and strategy for Reply Brief in support of Joint Motion to Dismiss.	2790995
JHR	6/27/2017	0.50	\$90.00	180.00	B	Begin analyzing case law referenced in plaintiff's Opposition to Joint Motion to Dismiss for purposes of addressing same in Reply Brief.	2791002
JHR	6/28/2017	1.20	\$216.00	180.00	B	Analyze federal court local rules, LCR 7(g), and related case law for purposes of legal analysis for Motion to Strike plaintiff's Declaration and Exhibits.	2791046
JHR	6/28/2017	0.10	\$18.00	180.00	B	Review e-mail from client Mr. Langberg regarding thoughts, input, and impression of plaintiff's opposition to Joint Motion to Dismiss.	2791048
JHR	6/28/2017	0.10	\$18.00	180.00	B	Review e-mail from personal counsel (Mr. Ermer) responding to Mr. Langberg e-mail, and additional input on plaintiff's Opposition.	2791050
JHR	6/28/2017	2.20	\$396.00	180.00	B	Prepare and write Motion to Strike Declaration and Exhibits and incorporate same into Reply Brief.	2791055
JHR	6/29/2017	0.60	\$108.00	180.00	B	Finish analyzing legal authorities referenced in plaintiff's Opposition Brief for purposes of preparation of Reply Brief.	2791085
JHR	6/29/2017	4.50	\$810.00	180.00	B	Prepare and write Reply Brief in Support of Joint Motion to Dismiss Larry Langberg and Edward Woods.	2791086
JHR	6/30/2017	0.10	\$18.00	180.00	B	Review e-mail from personal counsel (Mr. Ermer) regarding approval of Reply Brief.	2791090
JHR	6/30/2017	0.10	\$18.00	180.00	B	Review e-mail from co-defendant's counsel (Ms. Mell) regarding approval of Reply Brief and minor change to same.	2791092
JHR	6/30/2017	1.30	\$234.00	180.00	B	Research plaintiff's murder conviction and (30-year) post-conviction appellate litigation history for purposes of incorporating same into Reply Brief to rebut defamation charges.	2791096
JHR	6/30/2017	0.40	\$72.00	180.00	B	Analyze additional Washington and federal case law regarding lack of "good faith" motive for RCW 4.24.510 immunity protection and incorporating same in Reply Brief.	2791099
JHR	6/30/2017	0.40	\$72.00	180.00	B	Analyze Rule 12(b)(6) case law regarding defense of immunity being proper grounds for dismissal motion for purposes of brief rebuttal to plaintiff's Opposition argument.	2791101
JHR	6/30/2017	1.40	\$252.00	180.00	B	Revise and finalize Reply Brief in Support of Joint Motion to Dismiss, incorporating additional case law and arguments.	2791103
JHR	6/30/2017	0.20	\$36.00	180.00	B	Prepare and write e-mail to clients and personal counsel regarding Reply Brief, next procedural steps in dispositive motion, and related strategies.	2791104
JHR	6/30/2017	0.20	\$36.00	180.00	B	Review e-mails (x2) from clients Mr. Langberg and Ms. Savage regarding Reply Brief and related case handling issues.	2791109

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Detailed Time Section (Matter)

Tkpr	Date	Hours	Amount	Rate	Status	Description of Services Rendered	Time ID
JHR	6/30/2017	0.60	\$108.00	180.00	B	Review multiple e-mails (x3) from personal counsel (Mr. Ermer) regarding plaintiff's post-briefing strategy and possible opposition to Motion to Strike, and prepare multiple responses (x2) to same answering inquiries regarding procedures and strategy	2791131
JHR	6/30/2017	0.30	\$54.00	180.00	B	Review federal court local rule 7(g) and case law related to oppositions to motions to strike contained in reply briefs for purposes of answering personal counsel (Mr. Ermer's) question related to potential opposition to motion to strike.	2791133
KDR	5/3/2017	0.10	\$18.00	180.00	B	Review correspondence from Victor Peters.	2773549
KDR	5/4/2017	0.10	\$18.00	180.00	B	Prepare initial client letter.	2773509
KDR	5/4/2017	1.50	\$270.00	180.00	B	Appear for telephone conference with client - no travel time included	2773519
KDR	5/4/2017	1.00	\$180.00	180.00	B	Review Woods blog.	2773520
KDR	5/5/2017	0.20	\$36.00	180.00	B	Finalize correspondence regarding waiver of service.	2773486
KDR	5/6/2017	0.30	\$54.00	180.00	B	Review correspondence from client and others concerning Peltier.	2773477
KDR	5/11/2017	0.20	\$36.00	180.00	B		2773403
KDR	5/12/2017	0.50	\$90.00	180.00	B	Review information provided by client regarding other assessments of his defense and information about other Peltier lawsuits and facts surrounding Peltier murders.	2773392
KDR	5/12/2017	0.20	\$36.00	180.00	B		2773394
KDR	5/12/2017	0.30	\$54.00	180.00	B	Telephone conference with client regarding waiver of service and conflict issues regarding representation of Ed Woods.	2773395
KDR	5/15/2017	0.50	\$90.00	180.00	B		2773030
KDR	5/15/2017	0.60	\$108.00	180.00	B		2773038
KDR	5/16/2017	0.50	\$90.00	180.00	B	Telephone conference with attorney for co-defendant regarding strategy to respond to complaint.	2772973
KDR	5/16/2017	0.30	\$54.00	180.00	B	Telephone conference with attorney for plaintiff regarding our request that he dismiss defendant due to immunity	2772977
KDR	5/16/2017	0.30	\$54.00	180.00	B	Prepare summary of conversation with co-defendant's counsel regarding strategy to respond to complaint.	2772980
KDR	5/18/2017	0.50	\$90.00	180.00	B	Prepare detailed email to client and co-defendant's counsel regarding motion to dismiss strategy.	2772938
KDR	5/18/2017	1.00	\$180.00	180.00	B	Conduct review and analysis on applicability of AntiSlapp statute to communications with public officials and constitutionality of statute.	2772944
KDR	5/22/2017	0.20	\$36.00	180.00	B		2772820
KDR	6/6/2017	2.00	\$360.00	180.00	B	Appear for meeting with Larry Langberg to discuss case and support for motion to dismiss.	2778695
KDR	6/7/2017	1.00	\$180.00	180.00	B	Revise motion to dismiss to transfer into a joint motion to dismiss.	2778693
KDR	6/7/2017	0.60	\$108.00	180.00	B	Revise proposed motion to dismiss regarding arguments for application of statute.	2792238
KDR	6/8/2017	0.20	\$36.00	180.00	B	Telephone conference with Joan Mell regarding revising motion to be a joint motion on behalf of both Mr. Woods and Mr. Langberg.	2778697
KDR	6/8/2017	0.20	\$36.00	180.00	B	Telephone conference with Joan Mell regarding letter written by Mr. Woods to be used as exhibit.	2778719
KDR	6/8/2017	0.10	\$18.00	180.00	B	Telephone conference with David Ermer regarding information concerning Ed Woods letter related to information filed in joint motion.	2778721
KDR	6/8/2017	0.10	\$18.00	180.00	B	Telephone conference with client Langberg regarding whether he has a copy of the signed Woods letter.	2778723
KDR	6/8/2017	0.20	\$36.00	180.00	B	Attempt to reach Ed Woods to obtain signed copy of letter for purposes of motion.	2792184

Client Detailed Time And Expense Report

Date Range (Time): Beginning of Time to 7/25/2017 (Disb): Beginning of Time to 7/25/2017

Currency: USD

Client: 1981	ncinnati Insurance Company	Bill Tkpr: KDR	Riley, Kyle D.	Client Last Payment: 7/25/2017
Matter: 198142	Leonard Peltier, et. al. vs. Joel Sacks,	Resp Tkpr: JHR	Rogers, Jeremy H.	Matter Last Billed: 7/20/2017

Detailed Time Section (Matter)

Tkpr	Date	Hours	Amount	Rate	Status	Description of Services Rendered	Time ID
KDR	6/8/2017	0.20	\$36.00	180.00	B	Review request from in house counsel to stay case pending ruling from court.	2792231
KDR	6/9/2017	0.20	\$36.00	180.00	B	Review signed copy of letter.	2792179
KDR	6/13/2017	0.20	\$36.00	180.00	B	Telephone conference with office for codefendant Woods regarding initial disclosures.	2780923
KDR	6/14/2017	0.50	\$90.00	180.00	B	Prepare correspondence to attorney for plaintiff regarding status of initial disclosures and proposal to stay discovery.	2780924
KDR	6/14/2017	0.20	\$36.00	180.00	B	Review email from attorney for plaintiff regarding his position on motion for dismissal and stipulation to stay discovery.	2791771
KDR	6/14/2017	0.20	\$36.00	180.00	B	Revise correspondence to counsel regarding requested stipulation and proposed stipulated motion and order.	2791779
KDR	6/14/2017	0.30	\$54.00	180.00	B	Telephone conference with attorney for codefendant regarding initial disclosures and whether they intend to produce them and proposal for staying discovery.	2792050
KDR	6/14/2017	0.10	\$18.00	180.00	B		2792055
KDR	6/15/2017	0.30	\$54.00	180.00	B	Prepare email to clients to advise on recent communications about staying discovery and dispositive motion practice.	2791710
KDR	6/16/2017	0.50	\$90.00	180.00	B	Review codefendant's answer to complaint.	2791660
KDR	6/20/2017	0.20	\$36.00	180.00	B		2791455
KDR	6/20/2017	0.10	\$18.00	180.00	B		2791456
KDR	6/20/2017	0.10	\$18.00	180.00	B	Review order granting stay until motion is heard.	2791485
KDR	6/20/2017	0.20	\$36.00	180.00	B		2791487
KDR	6/20/2017	0.40	\$72.00	180.00	B		2791488
KDR	6/26/2017	1.00	\$180.00	180.00	B	Review plaintiff's response to motion.	2786775
KDR	6/26/2017	0.30	\$54.00	180.00	B	Prepare summary of motion to dismiss response and our planned reply to clients and monitoring counsel.	2791369
KDR	6/27/2017	0.20	\$36.00	180.00	B	Telephone conference with Joan Mell regarding substance of reply memorandum.	2786876
KDR	6/27/2017	0.20	\$36.00	180.00	B	Review comments by cocounsel about strategy for responding to plaintiff's opposition to motion.	2791307
KDR	6/28/2017	1.50	\$270.00	180.00	B	Research application of RCW 4.24.510 to defamation and broadness of scope of statute for immunity.	2791280
KDR	6/28/2017	0.30	\$54.00	180.00	B	Review client's thoughts about substance of Plaintiff's response and declaration.	2791281
KDR	6/29/2017	0.50	\$90.00	180.00	B	Research application of First Amendment to RCW 4.24.510 and the application of RCW 4.24.510 to defamation claims to finalize reply memorandum.	2791180
KDR	6/29/2017	1.00	\$180.00	180.00	B	Revise reply memorandum to address application of First Amendment, concessions of Plaintiff and how that applies to RCW 4.24.510, and consistency in messaging for reply.	2791181
KDR	6/29/2017	0.30	\$54.00	180.00	B	Review proposed reply memorandum in support of 12(b)(6) motion.	2791203
KDR	6/30/2017	0.20	\$36.00	180.00	B	Respond to client and personal counsel inquiries about anticipated order on motion to dismiss.	2791153
MHS	6/6/2017	0.90	\$85.50	95.00	B		2777654
Time Total		76.60	\$13,711.50	179.00			

Client Detailed Time And Expense Report

Date Range (Time): Beginning of Time to 7/25/2017 (Disb): Beginning of Time to 7/25/2017

Client:	198I	ncinnati Insurance Company	Bill Tkpr:	KDR	Riley, Kyle D.	Client Last Payment:	7/25/2017
Matter:	198I42	Leonard Peltier, et. al. vs. Joel Sacks,	Resp Tkpr:	JHR	Rogers, Jeremy H.	Matter Last Billed:	7/20/2017

Working Timekeeper Summary Section (Matter)

Timekeeper		Hours	Amount	Rate
JDE	Eberhard, Jeffrey D.	1.20	\$216.00	180.00
JHR	Rogers, Jeremy H.	52.60	\$9,468.00	180.00
KDR	Riley, Kyle D.	21.90	\$3,942.00	180.00
Partner Total		75.70	\$13,626.00	180.00
MHS	Sullivan, Michelle H.	0.90	\$85.50	95.00
Paralegal Total		0.90	\$85.50	95.00
Working Timekeeper Matter Summary Total		76.60	\$13,711.50	179.00

Matter:	198I42	Leonard Peltier, et. al. vs. Joel Sacks,	Fees	\$13,711.50
			Disb	\$0.00
			Total	\$13,711.50

Client Summary For:	198I	Cincinnati Insurance Company
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Matter Time Client Summary Section

Matter	Hours	Amount	Rate
198I42 Leonard Peltier, et. al. vs. Joel Sacks,	76.60	\$13,711.50	179.00
Matter Time Client Summary Total	76.60	\$13,711.50	179.00

Working Timekeeper Summary Section (Client)

Timekeeper		Hours	Amount	Rate
JDE	Eberhard, Jeffrey D.	1.20	\$216.00	180.00
JHR	Rogers, Jeremy H.	52.60	\$9,468.00	180.00
KDR	Riley, Kyle D.	21.90	\$3,942.00	180.00
MHS	Sullivan, Michelle H.	0.90	\$85.50	95.00
Working Timekeeper Client SummaryTotal		76.60	\$13,711.50	179.00

Client:	198I	Cincinnati Insurance Company	Fees	\$13,711.50
			Disb	\$0.00
			Total	\$13,711.50

Start Time: 3:24 PM
End Time: 3:24 PM